

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JOSEPH DEFAZIO, ET AL.

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:06CV1128LG-JMR

CHIQUITA FRESH NORTH AMERICA, ET AL.

DEFENDANTS

ORDER OF DISMISSAL

BEFORE THE COURT is a Motion to Dismiss filed by the Plaintiffs on November 29, 2006, in the above captioned cause. After consideration of the instant Motion, the Court finds that said Motion is well taken as well as unopposed, and should therefore be granted, and the case dismissed pursuant to FED. R. CIV. P. Rule 41(a)(2).

IT IS THEREFORE ORDERED AND ADJUDGED, that the Motion to Dismiss filed November 29, 2006, [12-1] should be and is hereby **GRANTED**.

IT IS FURTHER ORDERED AND ADJUDGED, that the above styled and captioned lawsuit is dismissed without prejudice pursuant to FED. R. CIV. P. Rule 41(a)(2) with each party to bear their own costs.

SO ORDERED AND ADJUDGED this the 30th day of November, 2006.

St Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATE DISTRICT JUDGE